

Knight, David T. (ERO) (ECY)

From: DougDede@aol.com
Sent: Tuesday, November 13, 2007 6:58 AM
To: Knight, David T. (ERO) (ECY)
Cc: DougDede@aol.com
Subject: Lake Spokane/Spokane River Clean Up

Mr. Dave Knight
 Eastern Washington Office
 Washington Department of Ecology

Dear Mr. Knight:

We are residents of Nine Mile Falls, and own a home on Lake Spokane. We are concerned about the quality of the Lake, and in particular what is being done to ensure its future. Our children and grandchildren are in the Lake from May through September, and we have real concerns about the water they so enjoy. We read about discharge permits and the draft TDML, and our research finds quite different opinions on the subject of the water's quality - the DOE seems to say one thing, and the Sierra Club another. Hardly experts in this field, we had to make a decision on whom to believe. We wonder if, in its role as public defender of the river, the Department of Ecology has come up with a cleanup plan that is the best that can be done within the constraints of cost and available technology, or has it caved in to the pressures brought by the dischargers at the expense of the public good?

We must report that we are now convinced that that DOE has indeed been coerced to develop a plan that suggest that they bent to the will of the dischargers. We find it "odd" or "coincidental" that two DOE managers tasked with developing the latest clean up plan have either been removed or resigned - we conclude that they believe that the proposed plan is inadequate. As students of history, we have learned that it's usually a pretty good predictor of the future. And to that end we reflect on the way DOE and the City of Spokane have handled illegal dry weather Combined Sewage Overflows (CSO).

It has been reported that since 2004, the City of Spokane has illegally discharged nearly 200,000 gallons of raw sewage into the river during dry weather - but for some reason they have never been fined or subject to any enforcement order by the DOE or EPA. Why is this? As we understand it, this practice is clearly illegal and obviously poses a threat to public health. During the last "unnoticed" episode needles and used feminine hygiene products were discovered on one of our community beaches. Coincidence? We don't think so.

An engineer by trade, I know that the technology to monitor liquid is flowing thru a pipe was developed in the 1800s, yet the City can't seem to make their system work, and what's worse, DOE doesn't seem to care! I guess we should not be surprised when the dischargers say the technology isn't available to meet the 2004 TMDL when they can't even implement century old technology to monitor sewage overflow. Unfortunately, that leads to another rhetorical question - how likely it is that DOE will enforce the current clean up plan when they have done nothing to hold accountable those who have, in just in the last few years alone, illegally dumped over 200,000 gallons of raw sewage into the river?

We are left with no choice but to believe the Sierra Club's arguments as being the most valid. That being said, we offer the following comments:

TMDL (River Cleanup Plan) comments

(1) The EPA has issued draft pollution permits for the wastewater plants in Idaho that grants these plants the entire legal load of phosphorus pollution for the Spokane River. What WERE they thinking? How can you consider the water at the Idaho border to be at "natural conditions" given this injustice? It makes no sense to us.

(2) The DOE is in the process of completing other clean-up plans, for example the plans to control PCBs and non-point sources. Shouldn't the TDML be integrated with these? How can you separate them?

(3) What about the impact Avista's dams have on dissolved oxygen, and the effects of stormwater pollutants? Seems to us that the plan should consider them, as well as taking into account all the sources that impact phosphorous and water temperature.

(4) As we read it, TMDL's most alarming fault is the lack of meaningful enforceable limits. Are there really no "enforceable limits" until year 20? Fine for some, perhaps, but we probably won't be around then! We are told that Washington law only allows 10 years for compliance, and immediate compliance for any new discharge sources. What's with doubling the timeframe?

(5) As the Clean Water Act only allows new and increased discharge if it will not add to existing problems, why are "our neighbors" on Liberty Lake being allowed to double their discharge. How come Spokane is being allowed to increase its daily discharge by 15,000,000 gallons daily? Will Spokane County be allowed to build a new wastewater plant that will discharge 8 million gallons of treated wastewater a day? (If that happens, the math says we are looking at an incremental discharge of 23,000,000 gallons. Will it be too much for the river to handle, given the past?) As we see it, none of these should be allowed under the current provisions of the Clear Water Act unless they can be proven to not cause a negative impact on today's problems.

(8) Phosphorous is the bad actor, and it's not just on Lake Spokane. If those dischargers that have agreed to install equipment that will reduce phosphorous concentrations to five times lower than the TDML calls, the DOE's own report found that the standards would not be met. In fact, even if they achieved 100% non-point source control, the standard would not be met.

Discharge Permit Comments

(1) These permits cannot be issued until the Water Quality Plan (TMDL) is approved by EPA. The Clean Water Act requires that wastewater permits be based upon the EPA-approved water quality plan (TMDL) completed for the river. Since there are many problems with the TMDL that could impact these draft permits, DOE should commit to provide another public review opportunity if these permits change as a result of changes to the TMDL.

(2) What about PCBs - the Permits fail to address them. From what we have read, the draft permits do not require the polluters to address PCBs other than a requirement to take one sample a month. What good does THAT do - other than to spot perhaps a nasty trend that's not covered, anyway. The decisions made today to address phosphorus could impact decisions necessary to reduce PCBs. The four dischargers will spend millions of dollars to upgrade their facilities. Shouldn't a real consideration be whether the new technology will also abate PCBs, rather than just monitor them?

(3) The City of Spokane owns and operates a stormwater system that knowingly contributes PCBs and phosphorus to the Spokane River. The draft permit fails to address any cleanup requirements in the City's stormwater system. Does this make sense?

(4) The permits fail to provide a meaningful implementation schedule. They allow Liberty Lake and Spokane 20 years to meet pollution reduction targets! We have never seen a proposal that stretches compliance out two decades. State law allows only 10 years for compliance and immediate compliance for new dischargers (such as Spokane County) and increased discharges. Why does this proposal extend the date to twice what Washington requires?

(5) The permits allow for new increases in pollution discharges. As above, the Draft Permits allow Liberty Lake to double its discharge and Spokane to increase its discharge by 15 million gallons a day. This in turn allows for increases in oxygen-depleting pollutants - BOD, ammonia and phosphorus - when what we all know we need is a **decrease** if the goal is to clean up the River. These increases are not consistent with Ecology's own water quality plan (TMDL) and fly in the face of the law which allows new and increased discharge only if it will not "contribute" to the problem.

(6) Each year Spokane releases millions of gallons of untreated sewage into the River from its combined sewer overflow system, yet the draft City permit does not reflect current overflow requirements. Come on - we SWIM in Lake Spokane, and prefer that it be free of raw sewage! In September 2006, the Department of

Ecology issued an order requiring the City to improve its management of these overflows and to increase its public outreach and education requirements ("Now people, beware of strange floating objects and funky-smelling water. ") but the draft permit does not reflect these requirements.

(7) The draft permits are vague because:

Their phased compliance schedules do not match the Department of Ecology's water quality plan's (TMDL) interim requirements.

Direct the polluters to develop plans to reduce phosphorus from non-point sources and by other means (called a delta elimination plan) that are not well defined.

They encourage a "pollution trading program" without specifying how polluters are to engage in such a program and how trades might or might not impact ability to cleanup.

They don't require public review and DOE approval of key phosphorus elimination documents, such as the delta elimination plan.

(8) Federal law requires the permits to include interim and final water quality-based limits for discharge into critically (except the "twenty-year Rule) impaired waters. There are none (except the "twenty-year Rule) in the City of Spokane and Liberty Lake permits.

The DOE is the Agency that we rely upon to protect our lakes and rivers, and we recognize that public policy has to take into account the interests of many. You deal with the dischargers on a regular basis but rarely, I suspect, do you hear from the "little people," those like us that are most directly impacted by your decisions. It's very likely that the language of these permits is being directed from on high, by people who rarely hear our concerns. But we ask that our comments be read, understood, and considered, as we are the ones most affected by the decisions that you make.

Sincerely,

Doug and Gail Dede
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